

4.7 LAND USE AND PLANNING

4.7.1 INTRODUCTION

This section evaluates the potential land use and planning impacts of the proposed Gallery at Central Park project. The section describes the existing and surrounding land uses at the project site, and relevant land use plans, policies, and regulations governing the project area affected by the proposed project. The project's consistency with applicable land use regulations is evaluated in accordance with *State California Environmental Quality Act (CEQA) Guidelines* Section 15125(b). Information presented in this section was obtained from the City of Santa Clara General Plan and Title 18 Zoning Ordinance. These documents are available at the City of Santa Clara Planning Department at 1500 Warburton Avenue, Santa Clara.

In response to the Notice of Preparation for this Environmental Impact Report (EIR), several commenters expressed concern that the project would not be compatible with the density of the existing neighborhoods given the proposed higher density of the project. Commenters stated that the project does not offer adequate open space amenities, which could in turn potentially impact parklands in the City. One commenter states that a lower-density development would have lesser impacts to the environment than the proposed medium-density development; however, the amount of additional land that would be needed to develop the remaining housing units would need to be known to evaluate that impact elsewhere in the City or region. Some commenters suggested that a lower-density and a mixed-use land use project should be built at the site in lieu of the proposed project.

Comments regarding density are addressed in this section. Proposed alternatives for this project, including a lower-density alternative and an evaluation of the effects of those alternatives compared to the project is provided in **Section 5.0, Alternatives** of this EIR. The current general plan designation does not permit mixed-use development on the project site, and therefore this alternative is not analyzed in the EIR. Clarification was also requested for the terms "medium" and "moderate" density. The potential impact to existing parks within the City is evaluated in **Section 4.11, Parks and Recreation**, of this EIR. The potential impacts to the physical environment as a result of project implementation are also addressed in other technical sections of this EIR.

4.7.2 ENVIRONMENTAL SETTING

The City of Santa Clara is located in the Santa Clara Valley near the southwestern end of the San Francisco Bay within Santa Clara County, approximately 50 miles south of San Francisco (see **Figure 3.0-1, Project Location**). The City of Santa Clara is bordered by San Jose to the north, east, and south, and Sunnyvale and Cupertino to the west. Santa Clara is a well-developed City with various land uses

including industrial, commercial, residential, mixed-use, and public and open spaces lands. Growth in Santa Clara can be attributed to the overall growth of the San Francisco Bay Area and San Jose metropolitan area. Infill development has resulted in the development of most of the open land in Santa Clara and other cities in the Bay Area.

4.7.2.1 Project Site

The project site is located in the west-central portion of the City. The approximately 26-acre project site is comprised of three parcels (Parcels 1, 2, and 3) located at 900 Kiely Boulevard. The site was previously occupied by a Kaiser Permanente hospital that was recently relocated to 3700 Homestead Road. The only existing use on the site is approximately 30,000 square feet of medical/administrative office space in the northern portion of the site. The lease of these medical offices will terminate in December 2010 at which time they will relocate to another location.

Parcels 1 and 2 are currently zoned General Office (OG) by the City's Zoning Map and designated Medium Density Residential (26 to 36 dwelling units per acre by the City's General Plan) or/and Parks and Recreation or/and Institutional, and Parcel 3 is zoned Professional Office (OA) and designated Moderate Density Residential (19 to 25 dwelling units per acre). See **Figure 4.7-1, Existing General Plan Land Use Designation for the Project Area** and **Figure 4.7-2, Existing Zoning for the Project Area**.

The Kaiser Permanente hospital was allowed to occupy the site through a conditional use permit that allowed for the construction and operation of the 67,000 square-foot hospital. The use of the hospital at the site was consistent with the Institutional designation under the general plan and with the zoning map. Subsequent to the original approval in 1959, various variances, conditional use permits, and a rezone of Parcel 3 from A (Agriculture) to OG were processed to allow for the expansion of hospital services. The site was developed with the hospital and other building between 1962 and 1968. Since then, additional modifications, smaller refinements, and additions have been made to the building structures.

4.7.2.2 Surrounding Land Uses

Parcels 1 and 2 are bounded by Kaiser Drive to the north, Pepper Tree Lane to the west, Saratoga Creek and single-family homes to the south, and Kiely Boulevard to the east. Parcel 3 is bounded by condominiums to the north and west, Kaiser Drive to the south, and Kiely Boulevard to the east. A community park (Central Park) is located on the east side of Kiely Boulevard.

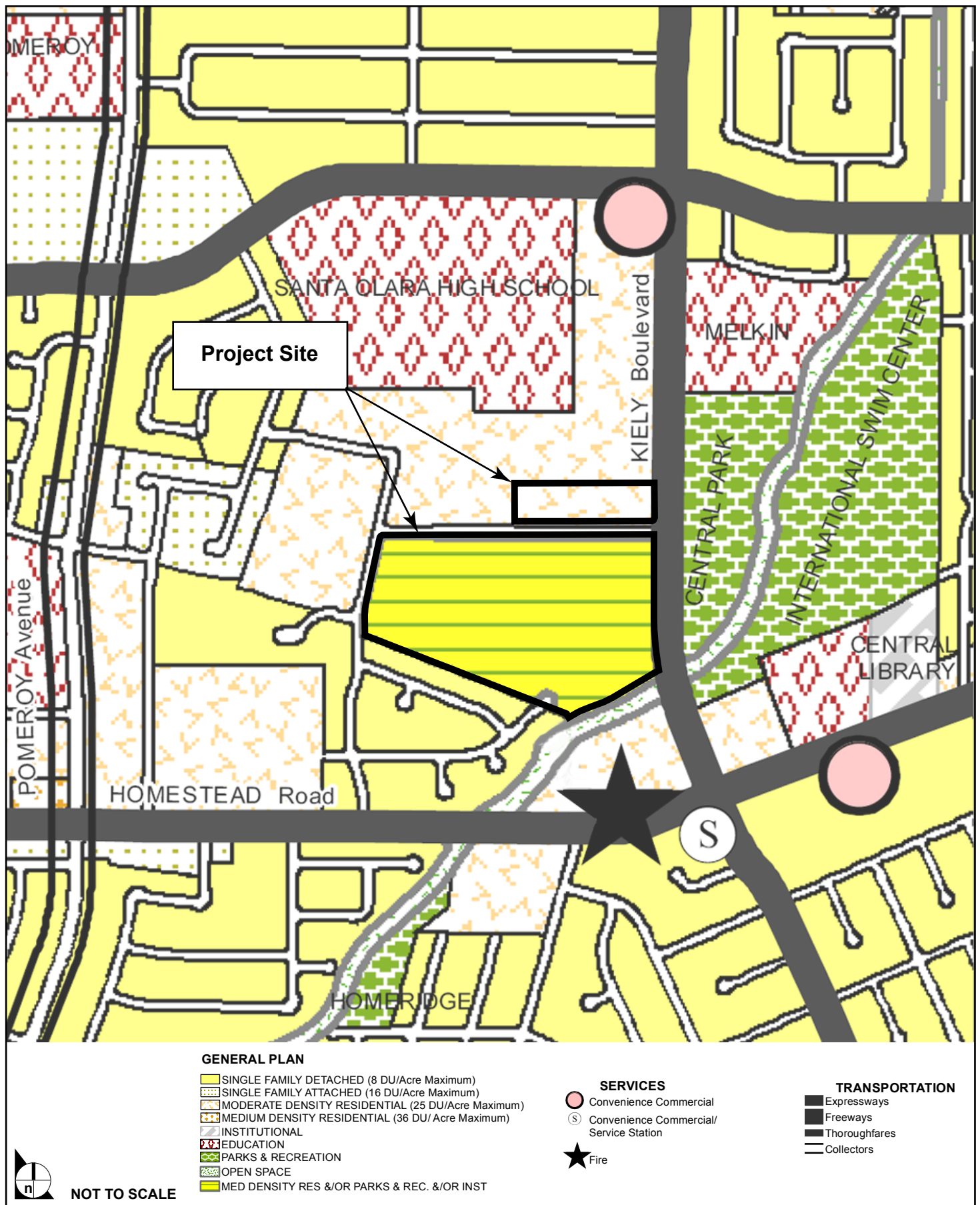


FIGURE 4.7-1

Existing General Plan Land Use Designation for the Project Area

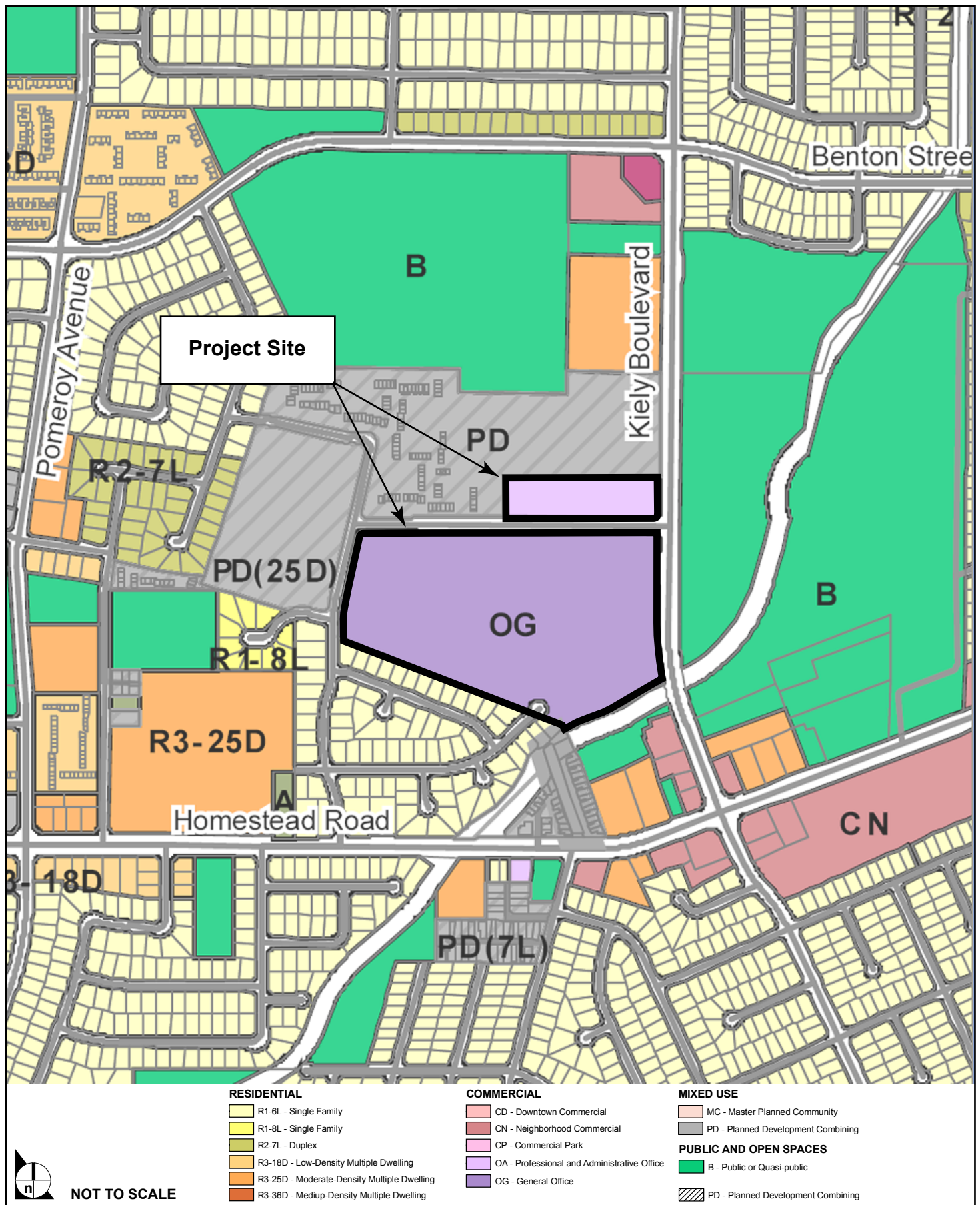


FIGURE 4.7-2

Existing Zoning for the Project Area

The land north of Kaiser Drive and Parcel 3 is designated Residential Moderate Density by the general plan. This individually-owned condominium development is referred to as the Woodsborough Condominiums and has a density of 23.21 units per acre. The land east of Pepper Tree Lane is designated Moderate Density Residential by the general plan. This development, referred to as the Alderwood Apartments, has a density of 24.84 units per acre. The land southeast and south of the project site is designated Single Family by the general plan and comprises the neighborhood from the southern boundary of the project site to Homestead Road.

Saratoga Creek borders a portion of the southern boundary of the site and flows in a north-south direction. From the north, Saratoga Creeks flows south under Kiely Boulevard, adjacent to the site and continues in a southerly direction. Central Park is located directly east of the site, on the east side of Kiely Boulevard. Central Park is designated as Parks and Recreation by the general plan.

4.7.3 REGULATORY CONSIDERATIONS

4.7.3.1 Local Plans and Policies

City of Santa Clara General Plan

California state planning law requires each city and county to adopt a comprehensive, long-term general plan for the physical development of the areas within its jurisdiction and of any land outside its boundaries that bears relation to its land-use planning activities. The updated City of Santa Clara General Plan was adopted by the City Council in 2002 and contains the following five elements: land use, housing, transportation, environmental quality, and public facilities and services.

The City of Santa Clara General Plan assigns land within the City to one of 22 land use designations, including five residential land use designations. As shown in **Figure 4.7-1** Parcels 1 and 2 are designated as Residential Medium Density or/and Parks and Recreation or/and Institutional. This designation allows land uses that fall under the definition of Residential Medium Density, Parks and Recreation or Institutional or a combination of all three uses.

The Medium Density designation allows 26 to 36 dwelling units per acre. A maximum density of 36 units per acre is permitted for sites that are 1 acre or larger. Up to three stories of living space are allowed above the parking area. Maximum building coverage is 45 percent, with a minimum of 40 percent of the lot landscaped. The landscaping requirement includes common open space, in addition to on-site recreational facilities where appropriate. The Parks and Recreation designation allows recreational uses in open space land areas, including City parks and recreational facilities. As stated in the general plan, the Institutional designation includes “activities such as (1) hospitals and museums; and (2) other activities of

a welfare or philanthropic nature that can not be considered a residential, commercial, or industrial activity.”

The general plan designates Parcel 3 as Residential Moderate Density, which allows 19 to 25 dwelling units per acre. This designation allows for two-story garden apartment-style multi-unit housing, with private usable open space either at grade or above street level for each unit. Two stories of living area over the parking area are allowed. Total building area is 35 percent, with a minimum 40 percent of the lot area landscaped. The landscaping requirements include common open space, in addition to on-site recreational facilities where appropriate.

The land use element of the City of Santa Clara General Plan contains comprehensive objectives and policies that guide physical development in the City. The goal of the land use element is to:

Promote the best use of land through protection of desirable existing uses, orderly development and consideration of the City's future needs while recognizing property owner rights. Emphasize the improvement of the social, economic and physical quality of Santa Clara. Continue to encourage the development of a sound and diverse economic base to support necessary public services. Encourage a stable employment demand corresponding to City's labor characteristics. Work towards a sustainable combination of population and production. Cooperate with surrounding jurisdictions in seeking solutions to regional problems.

In conformance with its Housing Element Inclusionary Policy and as a condition of approval for the necessary subdivision entitlements, the City requires new development with 10 or more units to provide at least 10 percent of the total units as affordable to very low or low income households and for-sale ownership units to be affordable to moderate incomes. It is the policy of the City of Santa Clara to disperse any such low income housing units throughout the City, based on the inventory of available housing sites identified previously, so as not to concentrate such units in any one neighborhood.

The general plan policies applicable for the proposed project and the potential for the project to conflict with these policies are discussed below under **Impact LU-1**.

City of Santa Clara Zoning Ordinance

The intent of the City of Santa Clara Zoning Ordinance is to encourage development of a variety of residential, commercial, and industrial developments in designated areas of the City as planned for in the general plan. The zoning ordinance implements the general plan by establishing and defining zoning districts and the specific regulation and standards applicable to each zoning district, including those governing uses of land, density, and dimensions of structures and sites. Further, the zoning ordinance provides standards for development to protect adjacent lands uses from one another (City of Santa Clara 1998).

As shown in **Figure 4.7-2** Parcels 1 and 2 are currently zoned General Office (OG) and Parcel 3 is zoned Professional Office (OA) by the zoning map. A brief description of the types of land uses that are permitted by these zoning designations are described below.

The OG zoning is intended to provide an environment exclusively for and conducive to the development and protection of administrative facilities and business office centers, wherein the normal development of mixed uses would not be appropriate. This zoning district is considered a heavy employment zone bordering and contiguous to the central business areas.

The OA zoning is intended to accommodate a demonstrated need for professional and administrative uses, yet inappropriate for commercial or high employment office centers because of close proximity to purely residential uses. This district is intended to be designed and landscaped to be in harmony with adjacent residential uses.

The applicant is requesting approval for a Planned Development-Master Community (PD-MC) zoning district. The PD-MC zoning district procedures, described in Section 18.56.050 of the Santa Clara City Code, requires the submittal of two separate applications, one for the master community plan and the second one for the development area plan. These two submittals require separate City Council approval. The City Council must approve the master community plan, before it approves the development area plan. The development area plan must conform to the approved master community plan and must meet the requirements in Section 15.56.090 of the Santa Clara City Code.

4.7.4 IMPACTS AND MITIGATION MEASURES

4.7.4.1 Significance Criteria

The impact of the proposed project on land use and planning would be considered significant if it would exceed the following standards of significance, in accordance with Appendix G of the *State CEQA Guidelines*:

- Physically divide an established community.
- Conflict with applicable land use plan, policy, or regulation or an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
- Conflict with any applicable habitat conservation plan or natural community conservation plan.

Issues Not Discussed Further

The proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan as none are applicable to the project site and its vicinity. This issue is not discussed further in this section. Furthermore, if approved, the project would redevelop an existing site that was formerly occupied by a Kaiser Permanente hospital. Existing communities are located north, west, and south of the site but the site does not connect these communities in any form. Kaiser Drive would become a public road and would continue to be accessible to residents living west and south of the site upon project completion. Therefore, the project would not physically divide an existing established community.

Methodology

Land use-related impacts would result if development proposed by the applicant, or development that would occur as a result of the project, would physically divide an existing community, conflict with adopted plans or policies, or be inconsistent with an adopted habitat conservation plan or natural community plan. The type and location of the uses proposed by the applicant, and development that could subsequently be facilitated by those uses were evaluated by comparing proposed changes in existing land use characteristics to the specified significance criterion listed above. If the project would result in changes to existing land use conditions that conflict with this significance criterion, the project was determined to result in a significant land use impact.

Project Impacts and Mitigation Measures

Impact LU-1: The project would not conflict with the City of Santa Clara General Plan land use designations or applicable policies. The proposed project is inconsistent with the existing zoning for the project site; however, approval of the applicant's request for rezone would result in project consistency with the City's zoning map. (Less than significant)

The potential for a project to conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, including, but not limited to a general plan, specific plan, or zoning ordinance is considered as part of the CEQA process (see *State CEQA Guidelines* Section 15125(d)). The General Plan Guidelines published by the State Office of Planning and Research defines consistency as follows: "An action, program, or project is consistent with the general plan if, considering all its aspects; it will further the objectives and policies of the general plan and not obstruct their attainment." Therefore, the standard for analysis used in this EIR is based on a general agreement with the policy language and

furtherance of the policy intent (as determined by a review of the policy context). The project does not have to be in exact agreement with a policy in order for the project to be consistent with the policy.

Project Consistency with the General Plan Designation

A portion of the project site is currently designated Residential Medium Density or/and Parks and Recreation or/and Institutional in the City's General Plan. The Residential Medium Density includes 26 to 36 dwelling units per acre. A maximum density of 36 units per acre is permitted for sites that are 1 acre or larger. The remainder of the project site is designated Residential Moderate Density, which allows 19 to 25 dwelling units per acre. Applying these general plan land use density ranges to the site generates the following range of densities that would be allowed by the general plan: Parcels 1 and 2 generates a range of units from 601 to 833; and Parcel 3 generates a range of units from 57 to 75. The general plan would allow a total range from 658 units to maximum of 908 units on the project site.

The project proposes to develop a total of 806 residential units on the approximately 26-acre project site. A total of 73 single-family attached (row houses) units are proposed on Parcel 3 and 45 single-family detached units, 152 single-family attached (town house) units, and 536 multi-family apartment units are proposed on Parcels 1 and 2. Given this, Parcel 3 would have a density of 24.3 dwelling units, which is consistent with the number of units per acre (19 to 25) allowed by the Residential Moderate Density general plan designation. Parcels 1 and 2 would have a density of 32 units per acre, which is also consistent with the allowable units per acre (26 to 33) allowed by the general plan for the Residential Medium Density designation. The project would be required to provide at minimum 40 percent of the site in landscaping. Given the above, the proposed project would be consistent with the site's general plan land use designation.

Project Consistency with General Plan Policies

The land use planning document that would apply to the proposed project is the City of Santa Clara General Plan. Project consistency with applicable general plan policies is evaluated in **Table 4.7-1, Consistency with Santa Clara General Plan Policies**. As shown, the project is consistent with the goals that apply to the project.

Table 4.7-1
Consistency with Santa Clara General Plan Policies

| Element | Policy Number | Policy Text | Project Consistency |
|------------------|---------------|---|--|
| Land Use Element | 1 | Preserve single family areas where designated by the General Plan. | Consistent. Development of the project allows for the construction of 45 single-family homes on the project site. |
| Land Use Element | 2 | In areas designated for higher density, new residential development will be encouraged when meeting criteria for compatibility with adjacent neighborhoods. | Consistent. The project site general plan land use designation is Residential Medium or/and Parks and Recreation or/and Institutional for Parcels 1 and 2, and Residential Moderate Density for Parcel 3. Development of the project would provide for housing consistent with the general plan designations as discussed above. The surrounding neighborhood consists of a variety of housing types including single-family, multi-family, and condominiums. The density for the existing community ranges from 23.3 units per acre for the Woodborough condominiums to 24.8 units per acre for the Alderwood Apartments. The density of each proposed housing type varies and is located adjacent to areas with similar densities. To illustrate, the row house would have a density of 24.3 units per acre and are located adjacent to the Woodborough condominiums, which have a density of 24.8 units per acre. Given this the proposed project is generally compatible in density with the adjacent neighborhood. |
| Land Use Element | 3 | Encourage new ownership or rental housing in mixed-use designations and near major transit services, where compatible with adjacent neighborhoods, especially ownership or rental. Mixed-use or Transit-Oriented Development housing should be oriented towards the thoroughfare, minimizing impacts on existing single-family homes. | Consistent. Development of the project would encourage both new ownership and rental housing. The project provides for single-family detached, single-family attached (Row Houses and Town Houses), and multi-family apartment units. The land use is consistent with the adjacent neighborhoods which provides for a mix of housing types. Kiely Boulevard is east of the project site and is a major thoroughfare in the City. A bus stop is located east of the project site on Kiely Boulevard. |

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| Element | Policy Number | Policy Text | Project Consistency |
|------------------|---------------|--|--|
| Land Use Element | 4 | Encourage the annual construction of the number of housing units necessary to meet the City's regional housing needs determination, including housing for lower and moderate income households. | Consistent. Development of the project would provide for 806 housing units; 10 percent of the total units would be affordable to very low or low income households and for-sale ownership units to be affordable to moderate incomes. The housing units would add to the City's regional housing needs for lower and moderate income households. |
| Land Use Element | 6 | Increase average densities in new multi-family residential or replacement residential developments. | Consistent: Development of the project will provide for new housing, replacing an existing hospital. The project applicant proposes to construct 806 housing units, including 45 single-family homes, 225 townhouses and row houses, and 536 apartments. |
| Housing Element | A | Maintain and improve the quality of residential neighborhoods, eliminate housing deficiencies and prevent future blight through encouragement of ongoing maintenance and conservation of existing housing stock; review of proposed new construction, new construction, removal, or rehabilitation; and code enforcement of strengthened City Code and Zoning regulations. | Consistent: Development of the project would provide for a new residential community consisting of a variety of residential products and unit types. The project is surrounded by single-family homes and condominiums, and both housing types would be provided on the project site. Development of the project would encourage both new ownership and rental housing. The land use is consistent with the adjacent neighborhoods which provides for a mix of housing types. Refer to Section 4.1, Aesthetics for a detailed discussion on the changes to the visual character of the project site and existing neighborhood. |
| Housing Element | B | Additions or new construction in single-family neighborhoods shall be consistent with City Design Guidelines. | Consistent: Development of the project proposes 45 single-family homes near the southern edge of the project site. The applicant is requesting approval for a PD-MC which requires architectural review and approval by the Planning Commission and City Council. The project design would need to meet the architectural review requirements of Chapter 18.76, Architectural Review, in accordance with the design guidelines and development standards. |
| Housing Element | C | Promote compatibility between neighboring developments. | Consistent: The project applicant provides different types of residential units compatible with neighboring developments while providing landscape buffers and open space areas. Therefore, the project is consistent with this policy. Refer to Section 4.1, Aesthetics for a detailed discussion on visual compatibility with the existing neighborhoods. |

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| Element | Policy Number | Policy Text | Project Consistency |
|----------------------------|---------------|--|---|
| Housing Element | D | Disperse affordable housing units throughout the City to avoid a concentration in any one neighborhood. | Consistent: Development of the project will meet the goals of the Housing Element by providing 10 percent affordable housing and dispersing the units throughout the development |
| Housing Element | G | Encourage the building of higher density housing on appropriate vacant or underutilized (infill) land. | Consistent: Development of the project provides 806 units on an underutilized site. The approximately 26-acre site is currently occupied with vacant buildings on about 85 percent of the site. The remainder of the site is occupied by medical/office administrative buildings. Furthermore, the project site is listed in the Housing Element as a site that has been identified for potential development. |
| Housing Element | K | Promote a variety of housing types, location, and tenure to maintain social and economic diversity in the City. | Consistent: Development of the project would provide for a mix of housing types to maintain social and economic diversity in the City. |
| Transportation Element | 9 | Encourage the use of bicycles and walking as alternatives. | Consistent. Pedestrian circulation would be provided throughout the site (see Figure 3.0-6, Conceptual Pedestrian Circulation Diagram). A 5-foot-wide pedestrian path would be constructed within the 100-foot creek setback area and would extend in a northwest direction along the southern boundary of the site. The pedestrian path would also extend to the north providing access to the internal roadways and other portions of the site, including multi-family units, town houses, and Kaiser Drive. A 10-foot-wide multipurpose (bicycle/pedestrian) trail would traverse the southeast property line adjacent to Saratoga Creek. This trail would connect to a 13-foot-wide bicycle/pedestrian lane that would traverse the eastern site boundary. |
| Hazardous Materials Policy | 4 | Regulate hazardous materials use, storage, disposal and clean up to protect the health of humans and the environment within the City of Santa Clara. | Consistent. The proposed project would be consistent with applicable federal and state regulations regarding hazardous waste and materials. The proposed project would adhere to the goals, objectives, and recommendations of the Santa Clara Fire Department Hazardous Materials Division to reduce impacts related to use, storage, and transport of hazardous materials. |

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| Element | Policy Number | Policy Text | Project Consistency |
|-------------------------|---------------|---|---|
| Water Resource Policies | 9 | Promote conservation of water, water importation measures, and recharge of the aquifers, so to ensure an adequate water supply and remain within the allowable quantity of withdrawal or “safe yield” of the ground water, so not to cause further compaction of aquifers and subsidence of land. | <p>Consistent: Water Resource Policy 9 addresses water conservation, importation measures, and aquifer recharge. With regard to conservation, the proposed project would be required to comply with Chapter 13.15.080, Rules and Regulations for Water Service and Use, of the City of Santa Clara Municipal Code. The ordinance includes specific measures that minimize waste water the generation of and achieve reductions in water use within the City. Additionally, the proposed landscaping irrigation system, which would use recycled water, would be required to meet conservation requirements under Chapter 13.15.080 of the municipal code. Water importation is not a part of the proposed project and implementing importation measures is under the authority of the City and Santa Clara Valley Water District. The project site is currently developed with impervious surfaces and does not contribute substantially to aquifer recharge. Additionally, the project site is not located within a groundwater recharge area. Further, a Water Supply Assessment was prepared for the proposed project, which determined that sufficient water supplies are available to serve the project through 2030 in normal, single dry and multiple dry conditions under existing entitlements held by the City. Lastly, the Santa Clara Valley Water District implements a groundwater management plan that protects groundwater quality, monitors groundwater extraction, and promotes groundwater recharge to ensure that groundwater does not exceed the annual 200,000 acre feet withdrawal limit. Refer to Section 4.6, Hydrology and Water Quality for a detailed discussion the project’s affect to groundwater resources.</p> |

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| Element | Policy Number | Policy Text | Project Consistency |
|-------------------------|---------------|---|---|
| Water Resource Policies | 10 | Allow urban development only if there exists and adequate domestic water supply to serve this development and would not result in a reduction of water quality below standards set forth in the California Health and Safety Code and the California Administrative Code. | Consistent: A Water Supply Assessment was prepared for the proposed project, which determined that sufficient water supplies are available to serve the project through 2030 in normal, single-dry and multiple-dry conditions under existing entitlements held by the City. The proposed project includes on-site water treatment facilities that would remove pollutants from on-site runoff prior to discharge into the City storm drain system. With implementation of the proposed water treatment facilities, water quality would remain consistent with California Health and Safety Code and California Administrative Code standards. Refer to Section 4.6 for a detailed discussion on water quality. |
| Water Resource Policies | 11 | Maximize the use of reclaimed water for construction, maintenance and irrigation, and encourage its use elsewhere, as appropriate. | Consistent: Proposed landscaping would be irrigated with recycled water distributed by the City recycled water system. |
| Water Resource Policies | 12 | Save existing water (through) conservation for new users. | Consistent: The proposed project would be required to comply with Chapter 13.15.080, Rules and Regulations for Water Service and Use, of the City of Santa Clara Municipal Code. The ordinance includes specific measures which prevent water waste and achieve reductions in water use within the City. Additionally, the proposed landscaping irrigation system, which will use recycled water, would be required to meet conservation requirements under Chapter 13.15.080 of the municipal code. |

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| Element | Policy Number | Policy Text | Project Consistency |
|-------------------------|---------------|--|--|
| Water Resource Policies | 16 | Participate on a regional basis in a Non-Point-Source Control Program in order to reduce pollutants in storm water runoff. | Consistent: The proposed project is subject to the National Pollution Discharge Elimination System (NPDES) during construction and operation. Compliance with NPDES and associated permits issued by the San Francisco Bay Water Quality Control Board would reduce pollutants in storm water runoff. Additionally, the proposed project includes on-site water treatment facilities that would remove pollutants from on-site runoff prior to discharge into the City storm drain system. Therefore, the proposed project is consistent with the policy. Refer to Section 4.6 for additional detail on water quality. |
| Water Resource Policies | 17 | Maximize retention and reduce the quantity of water runoff. | Consistent: As part of the project, on-site water treatment facilities would remove pollutants from on-site runoff prior to discharge into the City storm drain system would be constructed on the site. These facilities would remove pollutants through the sedimentation of solids and the filtration and trapping of pollutants by soils and vegetation. The project would be consistent with Water Resource Policy 17 because storm water runoff would be retained on site and filtered to improve water quality prior to discharge |

| Element | Policy Number | Policy Text | Project Consistency |
|----------------------|---------------|--|--|
| Air Quality Policies | 19 | Protect the air quality of the City of Santa Clara and its sphere of influence. Promote land use and transportation policies which maintain air quality. | <p>Consistent: As discussed in Section 4.2, Air Quality, with mitigation the long-term net operational emissions associated with the proposed project would be below the Bay Area Air Quality Management District (BAAQMD) operational thresholds of significance. Projects that generate operational emissions below the BAAQMD established thresholds of significance are considered not to substantially impact air quality on a project-level basis as well as a cumulative basis. Therefore, implementation of the proposed project would not adversely affect the long-term air quality within the City of Santa Clara. Additionally, approval of the proposed land use would replace an existing hospital and related facilities. As discussed in Section 4.2, vehicle trips, vehicle miles traveled (VMT), and subsequent criteria pollutant emissions associated with the proposed land use would be less since the current proposal is proposing a lower density than the permitted maximum allowable density designated for the project site. Nevertheless, net operational emissions would continue to be below the thresholds of significance. Therefore, implementation of the proposed project would reduce the generation of some criteria pollutants and help maintain healthful air quality in the region.</p> <p>Additionally, the proposed project would construct internal roadways with primary and secondary streets to provide efficient circulation throughout the project site. Furthermore, two access roads into Parcel 3 via Kaiser Drive, an access road and parking lot entrance into Parcel 1 and 2 via Kaiser Drive, and a secondary access road entry into Parcel 2 via Kiely Boulevard would be provided to avoid creating congestion around the project site. These project features are consistent with the BAAQMD 2000 Clean Air Plan and Triennial Assessment Transportation Control Measure (TCM) 12 to improve arterial traffic management. Lastly, when added to the future traffic volumes in the area, the project's traffic would not contribute or cause an exceedance of the state CO standards (i.e., 1-hour and 8-hour).</p> |

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| Element | Policy Number | Policy Text | Project Consistency |
|----------------|---------------|--|--|
| Noise Policies | 20 | Protect to the extent possible existing developed areas of the City of Santa Clara from unacceptable noise levels. | Consistent. As discussed in Section 4.8, Noise , the project would result in less-than-significant impacts to both on-site and off-site noise receptors. In the short-term, construction activities would increase ambient noise levels above existing conditions for off-site sensitive receptors. As analyzed under Impact NOISE-4 , compliance with the City's noise ordinance for construction would reduce this impact to a less-than-significant level. Implementation of Mitigation Measures NOISE-4a and NOISE-4b would further reduce this impact. In the long term, the project-related traffic and general activities from on-site residential uses would generate noise for both on-site and off-site sensitive receptors. As described under Impact NOISE-3 , project-related stationary sources and traffic would not result in noise levels that would adversely affect off-site sensitive receptors. This was found to be less than significant. Therefore, implementation of the proposed project would not expose existing developed areas in the City to unacceptable noise levels. The proposed project is consistent with the policy. |
| Noise Policies | 22 | Comply with City, state and federal guidelines for the compatibility of land uses with their noise environments, except where the City determines that there are prevailing circumstances of a unique or special nature. | The noise impact analysis in Section 4.8, Noise , describes the guidelines and methodology used to determine significant impacts to the City's noise environment. The noise impact analysis uses the City's noise standards for land use and methodology from the Federal Highway Administration and the Federal Interagency Committee on Noise (FICON). Based on applicable standards and guidelines, the proposed project was found to result in less-than-significant impacts to the noise environment. Therefore, the proposed project is consistent with the policy. |

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| Element | Policy Number | Policy Text | Project Consistency |
|---------------------|---------------|---|---|
| Noise Policies | 24 | Reduce noise from fixed sources, construction, and special events. | The City of Santa Clara Municipal Code Noise Ordinance describes measures that reduce impacts associated to construction noise in the City to a less-than-significant level. As described in Impact NOISE-3 , development of residential land uses would introduce new stationary noise sources on the project site but would not elevate noise levels to the extent that they would affect off-site sensitive receptors. As analyzed under Impact NOISE-4 , compliance with the City's noise ordinance for construction would reduce noise impacts from construction to a less-than-significant level. Implementation of Mitigation Measures NOISE-4a and NOISE-4b would further reduce noise generated from construction on the project site to a less-than-significant level. The project applicant would be required to comply with applicable regulations to reduce noise. Therefore, the proposed project is consistent with the policy. |
| Open Space Policies | 29 | Promote private open space and recreation facilities in large-scale residential developments and employment centers in order to meet a portion of the urban open space and recreation needs that will be generated. | Consistent. Approximately 9 acres of active and passive open space would be provided on the site (see Figure 3.0-6, Green Space). Recreational amenities at the site would include both active and passive opportunities. Active recreational areas include a swimming pool, spa area, fitness center, club room, and leasing center for the apartment portion of the development, and a swimming pool and spa areas for the town houses and row houses to be developed at the site. Pedestrian circulation would be provided throughout the site and would consist of 5-foot-wide pedestrian paths that would connect a 100-foot creek setback area to internal roadways and other residential units on the site. A 10-foot-wide multipurpose (bicycle/pedestrian) trail would traverse the southeast property line adjacent to Saratoga Creek that would connect to a 13-foot-wide bicycle/pedestrian lane on the eastern site boundary, east of Kiely Boulevard. Additionally, the project applicant is required to pay a park-in-lieu fee to satisfy City's parkland requirements. |

Source: City of Santa Clara General Plan 2002 and Impact Sciences

Project Consistency with the Santa Clara Zoning Ordinance

The proposed zoning amendment would change the site's zoning designation to PD-MC. The intent of the PD-MC district is to create regulations for large-scale integrated developments to achieve compatibility with the existing community. As described below, the proposed project would be similar in density and size to the existing neighborhoods.

As described above, the surrounding neighborhoods consist of a variety of housing types including multi-family, single family, and single-family attached (condominiums). A total of 73 row houses would be built on Parcel 3 at a density of 24.3 units per acre. These row houses would be three stories high at a maximum height of 35 feet from finished grade. The closest existing community to Parcel 3 is the Woodsborough Condominiums north of Kaiser Drive. These condominiums are located on approximately 20 acres of land at a density of 23.3 units per acre. These condominiums are two- to three-stories and are about 36 feet high from finished grade. Given this, the size and density of the proposed row houses are similar to the size and density of the residential community north and northwest of the project site.

The proposed project would allow for the development of up to 45 single-family homes near the southern edge of the project site adjacent to single-family residences. The individual lot sizes would range from 2,500 square feet to 2,800 square feet and would vary with lot location. The square footage for the houses would range from 1,500 square feet to 2,200 square feet in a two-story configuration. The density for this land use would be a maximum of 9.4 dwelling units per acre. All homes would be two stories in height (25 feet high) and would have a two car garage. The intensity of the single-family homes would be similar to the adjacent single-family homes on Marietta Drive. Single-family homes on Marietta Drive are one story in height, range from approximately 1,500 square feet to 2,000 square feet, and each have a two car garage.

A total of 152 town houses would be built on Parcel 1 at a density of 21.7 dwelling units per acre in the northwestern portion of the site. The town houses would be three stories high with a maximum height of 35 feet to finished grade. The closest residential community to this portion of the project site is the Alderwood Apartments located west of Pepper Tree Lane. These apartments are consists of 234 units located on approximately 9 acres of land at a density of 24.8 units per acre. These apartments are two stories high, about 24 feet from finish grade. Given this, the size and density of the proposed town houses are similar to the size and density of the closest residential community located west of the project site.

The development would allow up to two apartment buildings that would house up to 536 apartment units on Parcel 2 in the eastern portion of the site. These buildings would be four stories in height

(between 40 and 50 feet) and would include one-, two-, and three-bedroom units that range in size from approximately 750 square feet to 1,290 square feet. The closest land uses to this portion of the site is Central Park east of Kiely Boulevard and open space south of the site (i.e., Saratoga Creek). Housing units adjacent to City park or open space area are compatible land uses, and this is also demonstrated in other technical sections in the EIR such as noise.

Given the above, the size and density of the project would be similar to the surrounding neighborhood which in turn is consistent with the intent of the PC-MC zoning designation. The size and intensity of residential units would be similar to the surrounding neighborhood. Furthermore, the site is zoned General Office and Professional Office, which does not allow for residential uses. This inconsistency relates to a land-use regulation issue, where existing zoning has not been updated to conform to current general plan designations, rather than a physical environmental consequence of the project. Therefore, it does not constitute a significant environmental effect under CEQA. With the proposed zoning amendment the proposed land uses, and general plan designation would be consistent with each other. Therefore, the project would have a less-than-significant impact to land use and planning.

Mitigation Measure LU-1: No project-level mitigation measures required.

Cumulative Impacts and Mitigation Measures

As shown in **Table 4.0-1, Related Projects**, and **Figure 4.0-1, Location of Cumulative Projects**, mainly consists of redevelopment of existing developed properties. Cumulative development in the vicinity of the project site is not expected to introduce land uses that would be incompatible with the proposed residential uses at the site or other adjacent development. Furthermore, future development would be required to be consistent with the general plan. The general plan designates land uses throughout the City in a manner that promotes land use compatibility. Development of the proposed project along with the development of approved and reasonably foreseeable projects within the city of Santa Clara would not result in a significant cumulative impact associated with incompatible land uses. Therefore, the cumulative land use impact is considered less than significant.

4.7.5 REFERENCES

City of Santa Clara. 2003. *Santa Clara General Plan*.

City of Santa Clara. 2004. *Title 18 Zoning Ordinance*.